



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

sible trust for seventy years. He never sought or accepted any office in city or State; but few men were more sought for responsible trusts, or ever served their day and generation more devotedly, disinterestedly, and wisely. He seemed always to have a firm confidence in his own judgment, and that confidence appears not to have been misplaced.

THEOPHILUS PARSONS.

THEOPHILUS PARSONS was born in Newburyport on May 17, 1797, and died in Cambridge on Jan. 26, 1882. His father was the celebrated Chief Justice of the same name. His mother, whose maiden name was Elizabeth Greenleaf, was the daughter of Judge Benjamin Greenleaf, of Newburyport, and the granddaughter of Dr. Charles Chauncy, of Boston, and through the latter she was lineally descended from Dr. Charles Chauncy, the second President of Harvard College. When he was three years old his father removed from Newburyport to Boston, where he continued to reside for thirteen years and until his death. The son's boyhood, therefore, was spent in Boston, and his earliest recollections must have been of that place. During his boyhood his father procured a Mr. Elisha Clap to come to Boston and open a private school, and at this school the son was fitted for College. At the age of fourteen — namely, in 1811 — he entered Harvard College. His father was then Fellow of the College, and Dr. Kirkland, his father's former pastor and most intimate and valued friend, was President. With the latter the son went to live upon entering College, and he continued to live with him during his entire College course. His class at the time of its graduation numbered sixty-six, and among his classmates were George Eustis, late Chief Justice of Louisiana, Convers Francis, Thaddeus W. Harris, John Jeffries, John A. Lowell, John G. Palfrey, and Jared Sparks. All of these distinguished men he survived, the last of them, John G. Palfrey, having died on April 26, 1881, and he was himself survived by only two of his sixty-five class-mates.

Immediately upon graduating, he entered the office of William Prescott, the son of the hero of Bunker Hill and the father of the historian, and then the acknowledged leader of the Suffolk Bar, and began the study of law. In 1818 he was admitted to the Bar; in 1822 he removed to Taunton, and there engaged in the practice of his profession; in 1828 he returned to Boston, and there continued the practice of his profession for the next twenty years. In the summer

of 1848, on the resignation of Professor Greenleaf, he was appointed Dane Professor of Law in Harvard University, and at the beginning of the academic year 1848-49 he assumed the duties of his professorship, delivering the opening lecture in the Law School on Monday, Aug. 28, 1848. About the same time he removed to Cambridge, where he continued to reside until his death. He held his professorship and discharged its duties for more than twenty-one years; namely, until the middle of the academic year 1869-70, when he resigned and retired from active pursuits.

Professor Parsons, like his father, had great versatility of talent, and like him was distinguished for his attainments in various branches of learning; but, unlike him, he was a very prolific writer, not only upon legal subjects, but upon literary and religious subjects as well. Any notice of him, therefore, which fails to present the many-sidedness of his intellectual character must necessarily be incomplete; and yet the present notice must be confined to his professional character, as the writer is not competent to speak of him in any other.

He had the great misfortune to lose his father just as he had nearly reached that period of life when the latter would have been of priceless service to him in the profession which he chose.* As it was, it is doubtful if he derived from his father any professional advantage whatever. Whether his choice of a profession was due in any degree to his father's wishes or influence is not known. However that may be, there is some reason for doubting whether the choice was a wise one. It is clear that he never thoroughly enjoyed the practice of law, and his talents, great and brilliant as they were, were not precisely of the kind to qualify him to excel in law as a science; and it is doubtful whether, under ordinary circumstances, he would have achieved such a degree of success in the profession as would have satisfied either himself or his friends. In a word, he had not what is called a legal mind. So far as law depends merely upon principles of right reason and abstract justice, he was fitted to excel in it, and he liked it; but in so far as it depends upon what is called technical reasoning, he regarded it with aversion, and he seemed to have the same inaptitude for that kind of reasoning that many persons of otherwise fine talents have for mathematics, for example. Accordingly, he always disliked the law of real property, and openly avowed his incapacity for it; and the same was true in a great measure of the com-

* Chief-Justice Parsons died Oct. 30, 1813, when Professor Parsons was sixteen years old and in his Junior year in College.

mon-law system of procedure. Indeed, the early common law of England in general he regarded with little favor. On the other hand, commercial law was his delight, but more especially commercial law as resting upon the custom and practice of merchants, and as it exists all over the commercial world; for commercial law as administered in the common-law courts of England and America had in it too much of the leaven of common law to be altogether satisfactory to him. It was for this reason, and because of the simplicity and celerity of its procedure, that the Court of Admiralty was so great a favorite with him. Nothing is known to the writer of his practice in Taunton; but it is impossible that he should have done much there, for it was not a field in the least suited to his genius. Upon coming to Boston, however, he must soon have made his mark as a commercial lawyer, and particularly in the law of marine insurance; for in 1838 he appears in three reported cases as counsel for as many different marine insurance companies; and one of these cases was the important one of *Peters v. The Warren Insurance Company* (14 Pet. 99), which he argued first against Mr. F. C. Loring, before Judge Story, and afterwards against Webster before the Supreme Court at Washington. It was after he retired from practice, however, that he acquired his greatest professional reputation, partly as a professor in the Law School and partly as an author. Before going to Cambridge, his reputation was at best but local, while after that event his name became familiar to every lawyer in the United States. Undoubtedly his books had the greatest agency in producing that result. The first book which made him widely known was that upon Contracts, one volume of which was published a little more than five years after he had assumed the duties of his professorship. This was one of the most successful law books ever published in this country. The subject is as fundamental, as extensive, and as important as any in the law, and this work immediately took its position as the standard American authority upon that topic, — a position which it has maintained without question from that day to this. It has passed through six editions; but this statement conveys no adequate idea of the extent of its sale, for it has long been stereotyped, and the writer has been informed that there were ten thousand copies of the fifth edition sold.

There is no occasion to speak of Professor Parsons separately as a professor of law and as a writer of law books. In both capacities he was a teacher, and in both he achieved his success by the same means: namely, by his gifts as a teacher. In a teacher of law, whether his

teaching be oral or by published writings, one of the indispensable requisites for success is the power of making himself thoroughly and easily understood by one who is unacquainted with the subject taught. With this power one can scarcely fail of a fair degree of success; without it the greatest talents and attainments may come to naught. It may be said, indeed, that this power is equally indispensable in a teacher of any other subject, and literally, of course, this is true; but in most subjects the difficulty of making one's self understood is believed to be less great than in law, and hence the power of doing so less rare. This power Professor Parsons possessed in a very eminent degree. He had, indeed, a positive genius for simple and lucid statements. Whatever he clearly understood himself he seldom failed to make perfectly intelligible to his hearers or readers, even if they were laymen; hence his lectures and his books were always popular. Nor need it be wondered at that one whose genius did not specially fit him for the law should have made so great a figure in it; for those who have a special genius for law are seldom successful in teaching it, except to those who have already obtained a considerable mastery of it. Sir Edward Coke, for example, is the greatest name in the English law, and yet his writings are to the tyro not merely unintelligible, but repulsive. On the other hand, Sir William Blackstone never made a great figure in the practice of his profession, and, though he was made a judge, he never distinguished himself in that capacity; and yet his Commentaries have been more read and more admired than any other law book in the English language. The secret of Blackstone's great success was that he excelled all other legal writers in his style and in his mode of treating his subject; and the merits of Professor Parsons were not unlike those of Blackstone. It may be added that Professor Parsons was a great admirer of Blackstone, and probably there is no legal author with whom he would have been so proud to be compared.

EDWARD REYNOLDS, M.D.

EDWARD REYNOLDS was born the 28th of February, 1793, in Hawkins Street, Boston. His father was Edward Reynolds, a merchant of Boston, whose wife, his mother, was Deborah, daughter of Samuel and Deborah Belcher. There were five other children, two sons and three daughters.

The subject of this notice was trained for college principally at the Boston Latin School, under Masters Hunt and William Biglow.